

Letter from Mauro, Cameron, Lewis & Massie to Alexander Graham Bell, November 4, 1909

PHILIP MAURO. LAW OFFICE TELEPHONE: Washington, Main 3451, S.T. CAMERON. OF New York, 5251 Beekman, REEVE LEWIS. **MAURO, CAMERON, LEWIS & MASSIE**, CABLE ADDRESS: Mauro—Washington, C. A. L. MASSIE. Phimauro—New York. Patents and Patent Causes, CODES USED: Liebers, Western Union. F. A. HOLTON. 620 F STREET, WASHINGTON, D. C. Marconi. W. S.KERKAM. (TRIBUNE BLDG., 154 NASSAU ST., NEW YORK.) WASHINGTON November 4th, 1909. Dr. Alexander Graham Bell, Beinn Bhreagh, Near Baddeck, Nova Scotia. Dear Dr. Bell:—

It gives us pleasure to announce that we have just had an interview with the Principal Examiner having charge of the joint application, and he tells us that so far as he now sees, this application does not appear to interfere with any other in the Office. It is therefore our purpose to take this application up promptly, and proceed to prosecute it to an allowance at the earliest possible date. The most important references cited against our claims, copies of which you have, are a French patent to Godek, No. 362,201, published June 12th, 1906, a French patent to Ferber, No. 380,073, published Nov. 28th, 1907, and a French patent to Liurette, No. 380,492. We are sending you pencil sketches of the drawings of each of these French patents. The patent to Liurette does not appear to be of much importance so far as meeting the merits of the invention, but is simply directed to the form of our claims.

The patent to Godek, however, appears to be more serious. It clearly shows a pair of suitably spaced supporting surfaces, with means uniting the same, and a pair of normally horizontal rudders, one on each side of the medial fore and aft line of the structure, with means for inclining one of these at a positive and the other at a negative angle of incidence. So far as the lateral balancing rudders are concerned, this patent appears to

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show the Curtiss structure. 2 Mr. Cameron understands that your dates do not go back of about January 1st, 1908, and as this French patent was published June 12th, 1906, it is probably a good reference to all of the broader claims on the lateral balancing rudders.

The patent to Ferber is a little difficult to comprehend, but from the description thereof we understand that it has four lateral balancing rudders, triangular in shape, as shown in Fig. 1. There is one of these located at the forward lateral extremity of each of the aeroplanes, and there is a strut extending between each member of the pair of balancing rudders on either side, so that when the lower one moves upward, the upper one moves up with it, and vice versa, when the upper one moves down, the lower one moves down with it. These are connected by operating wires with suitable levers and a handle-bar 12, Fig. 2, so that the opposing pairs of balancing rudders are simultaneously operated, but in reverse directions, so that one is shifted to a positive angle of incidence when the other is shifted to a negative angle of incidence.

The effective date of this patent to Ferber, however, is Nov. 28th, 1907, and it appears to Mr. Cameron that it is quite possible that your dates may go back of that date. If so, and you or anyone else can produce facts showing the completion of this feature of the invention in this country prior to November 28th, 1907, the Ferber patent would not be a reference. Please let us know what the facts are in regard to your earliest date of invention.

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From present appearances, we may have to limit the claims of this joint application to the concavo-convex form, or else to the presence of the lateral balancing rudders supported outside of the lateral marginal lines of the supporting surfaces.

The claims which have not been rejected are claims 2, 15, 16, 18, 20 and 21 of the application as originally filed. By a study of your copy of these claims, you will get a pretty fair idea of about the protection we may expect to secure.

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Awaiting your criticisms and information in regard to your earliest dates before proceeding to amend the application, we remain.

Very truly yours, Mauro Cameron Lewis &c Massie Per ?J.C C-F. Copies dwgs. enc.